

APPEAL NO. 032079  
FILED OCTOBER 2, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on July 22, 2003. The hearing officer resolved the disputed issue by deciding that the appellant's (claimant) compensable injury of \_\_\_\_\_, does not extend to torn medial and lateral menisci, degenerative changes of the medial and lateral menisci, and chondromalacia of the medial compartment, patellofemoral joint, and trochlea. The claimant appealed the hearing officer's decision, and the respondent (self-insured) responded.

DECISION

Affirmed.

Conflicting evidence was presented with regard to the extent of the claimant's compensable injury. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the finder of fact, the hearing officer resolves the conflicts in the evidence and determines what facts have been established. The hearing officer's decision reflects that while he considered the designated doctor's opinion regarding the extent of the compensable injury, he did not give presumptive weight to the opinion of the designated doctor with regard to the question of the extent of the claimant's compensable injury. In Texas Workers' Compensation Commission Appeal No. 030751, decided May 14, 2003, the Appeals Panel noted that while a designated doctor's opinion on extent of injury does not carry presumptive weight, a hearing officer can consider the designated doctor's report in weighing the evidence. The hearing officer did not commit reversible error in excluding Claimant's Exhibit No. 13 from evidence because the record reflects that the exhibit was not timely exchanged with the self-insured in accordance with Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 142.13(c) (Rule 142.13(c)). We also note that the information contained in the excluded exhibit appears in other records in evidence. Although there is conflicting evidence in this case, we conclude that the hearing officer's decision is supported by sufficient evidence and is not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

We affirm the hearing officer's decision and order.

The true corporate name of the insurance carrier is **(a self-insured governmental entity)** and the name and address of its registered agent for service of process is

**CITY SECRETARY  
(ADDRESS)  
(CITY), TEXAS (ZIP CODE).**

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Robert W. Potts  
Appeals Judge

CONCUR:

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Gary L. Kilgore  
Appeals Judge

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Margaret L. Turner  
Appeals Judge